



Court Connections

News from the New Mexico Judiciary

November/December 2018

Alternative Dispute Resolution Takes Root in New Mexico Courts

Alternative Dispute Resolution is catching on in courts across New Mexico—and for good reason.

This approach, commonly known as ADR, gets cases through the courts faster, saving all parties time and money. Individuals who opt for ADR over litigation also tend to be more satisfied with the outcome of their cases because they helped shape that outcome rather than having it imposed on them by the court.

That was the message from the eighth annual New Mexico ADR Symposium held in Albuquerque in mid-October. A panel representing courts from across the state provided an update on how various New Mexico jurisdictions are employing ADR.



Kevin Spears, Court Executive Officer for the Ninth Judicial District, spoke about that court's programs at the Eighth Annual New Mexico ADR Symposium.

As the panelists noted, some New Mexico courts have been using ADR in domestic relations and child welfare cases for more than 20 years. Two recent developments have put ADR in the statewide spotlight:

- A growing use of ADR in civil cases;
- A statewide push to promote and support ADR programs.

That second development started with the 2012 formation of the statewide ADR Commission,

currently chaired by the Honorable Jeff Foster McElroy, Chief Judge of the Eighth Judicial District Court. The state Supreme Court ordered the formation of this commission on the recommendation of the National Center for State Courts.

Online Dispute Resolution is coming to New Mexico Courts. See page 3.

Judge McElroy said the National Center made ten recommendations for improving New Mexico's court-annexed ADR programs that "are not overly dependent on more money, more staff or more

space."

One of those recommendations—to nurture different approaches in large and small jurisdictions—was particularly appropriate for a state like New Mexico. Presentations by the eight panel members illustrated that point.

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Bernalillo County Metro Court Slashing Failure-to-Appear Rate Via Text Message

The failure-to-appear rate for those who opted in to Metro Court's courtesy Text Reminder Service has been cut by more than half since the court began the initiative.

The text reminder service was implemented in 2017. From April 18, 2017 to April 18, 2018, of the 8,681 hearings in which the text reminders were sent, only 493 of those hearings resulted in a failure-to-appear, producing a 5.7 percent failure-to-appear rate. By comparison, 12,681 of 101,414 hearings were missed by those who did not sign up for the service, resulting in a 12.5 percent failure-to-appear rate. Within that same time period, 5,824 people signed up for the court reminders.

"The courtesy text reminders not only provide a service to those appearing in our court, but the taxpayers benefit too. This simple, cost-effective program is getting people to court and preventing bench warrants from being issued which otherwise strain resources on a number of agencies," said Chief Judge Edward L. Benavidez.

Metro Court pays \$800 annually for the service, which is covered by the court's general fund. The cost to issue, process, and serve a bench warrant is around \$100, and that fee is generally passed on to the offender.

"Something typically easy to resolve, like a speeding ticket, can turn into a \$500 ordeal for a person who continually misses court," added Judge Benavidez. "That is what we are trying to prevent, and the text reminders easily avert that situation."

The initiative has been so successful that the court has expanded it to felony cases. Since mid-April of 2018, those appearing in Metro Court for a Felony First Appearance have been given the option to receive the text reminders for their upcoming preliminary hearing, which can be set as far as 60 days out. "We wanted to see if it would work," said Judge Benavidez. "Since it is producing the results we hoped for, we may look to offer the service to civil litigants in the future."

ADR Takes Root, from page 1

Representatives from the First, Second and Thirteenth Judicial Districts—that include large cities such as Santa Fe, Albuquerque and Rio Rancho—spoke about using ADR to resolve family and child custody cases, civil litigation and even to help homeowners find a graceful exit from mortgage foreclosure. These courts also use attorneys to oversee their ADR programs.

By contrast, the Eighth Judicial District (covering Taos, Colfax and Union Counties) just started using ADR in civil cases this year, after running a domestic relations mediation program for more than 20 years. The domestic relations mediation program has two mediators on contract. They handled 22 cases last fiscal year, resolving 14.

The Eighth Judicial District's new civil mediation program employs two non-attorney mediators for simple cases, with judges handling the more complex cases. That program has handled 13 cases so far, with nine resolved. The court has set a goal of having 10% of its civil cases—90 of 900—go to ADR in the coming fiscal year. It is in the process of hiring a staff attorney and two part-time staffers to support the program along with two contract attorneys who will serve as mediators.

The Ninth Judicial District (Curry and Roosevelt Counties) operates a mediation program for family and civil cases that targets self-represented and low-income litigants. A court attorney serves as mediator for this program, which has handled more than 400 cases since January 1, 2012, and is on pace to handle 105 cases this fiscal year.

Six Magistrate Courts also currently have ADR programs that are managed by the Administrative Office of the Courts.

All of these programs are growing, and showing increasing amounts of success. Jodie Schwebel, Deputy Court Executive Officer of the Eleventh Judicial District Court, told symposium attendees that the key to running a successful ADR program, no matter the size of the court, is to always be open-minded when confronting challenges, and "never be afraid to think outside the box."

Innovation Team is Taking Alternative Dispute Resolution Online

In an effort to make alternative dispute resolution even more accessible, the New Mexico Courts Innovation Team is preparing a pilot project to take ADR online.



Second Judicial District Court Judge Jane Levy gave a briefing on the online ADR pilot project at the eighth annual New Mexico ADR Symposium.

Supreme Court Chief Justice Judith K. Nakamura chairs the Innovation Team, which includes members of the Judiciary and State Bar.

The Innovation Team is working with Tyler Technologies to adapt its online dispute resolution tool to the needs of New Mexico's court system. The tool, called Modria, is a knowledge-based system that guides the parties step-by-step through a process to quick resolution of common legal issues such as disagreements about a debt owed or landlord-tenant disputes.

Courts in other states are using the system, such as Clark County in Nevada, which offers online dispute resolution in family law cases.

If the pilot proves successful, New Mexico would be the first to deploy the system in courts statewide, according to Judge Jane Levy of the Second Judicial District Court, who is spearheading this project on behalf of the Innovation Team.

"We are trying to be more proactive in bringing cases to resolution," Judge Levy said. "This is a reaction to the reality of the world in which we live, where people expect easy access to information and quick resolution of issues."

The pilot project, which is likely to launch in January, 2019, will cover the Second, Sixth and Ninth Judicial Districts, along with Bernalillo County Metropolitan Court. It will involve primarily civil cases in which a debt or money owed is in dispute.

"The system should allow the parties to make contact immediately and get them started on exchanging offers," Judge Levy said.

Parties will be able to access the system and add input on their cases at their convenience 24 hours a day.

If the parties fail to reach a resolution after a certain amount of time through the automated system they will have the option to use a mediator to continue the negotiation. The mediators will all need to be trained to use Modria and to adjust to online mediation.

"This should help people who have a hard time taking time off work to get to court. They might be able to resolve a case at their kitchen table," Judge Levy said. "We cannot ignore that the Internet is where people are going for most everything these days. We have to meet people where they are."



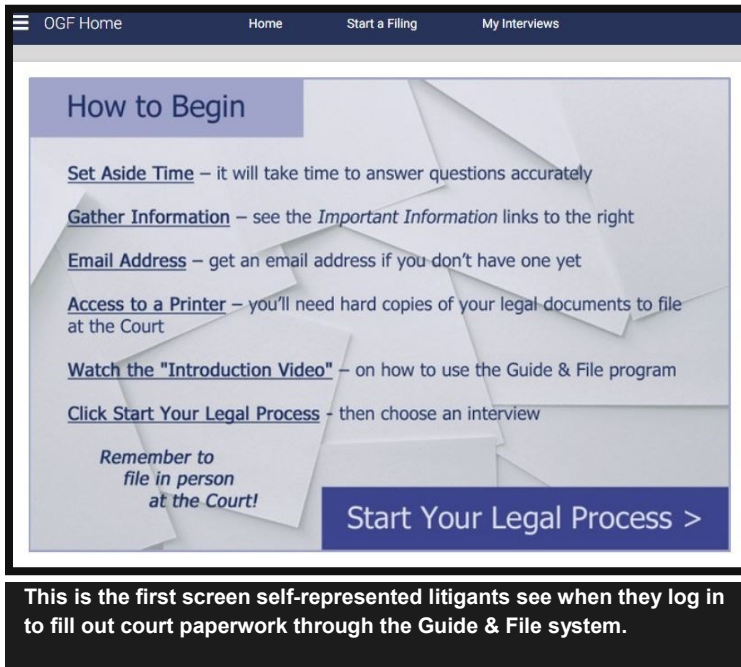
The Spirit of Competition: Courts across the state celebrated Halloween in style, with costume and pumpkin carving contests. These are the pumpkin carving entries from the Fifth Judicial District Court. The Santa-hat-wearing pumpkin "Jack Skellington" carved by Judicial Specialist Senior Nicole Carter was the winner. See more Halloween photos on pages 4, 7 and 8.

Some Self-Represented Litigants Can Now Complete Court Paperwork At Home

The Judiciary has launched a free online service to assist the growing number of people representing themselves in certain legal matters.

The web-based application, known as Guide & File, helps self-represented litigants prepare court documents in divorce and domestic violence cases using a computer in their home or another location.

Guide & File works much like software for preparation of tax returns. Users are guided through a series of questions to fill out and automatically complete court forms online. The documents must be printed and filed in person with a district court.



The software application can be used to prepare documents to start a divorce proceeding, to respond to a divorce petition, to finalize a divorce case and to file for an order of protection in a domestic violence case. It can also be used to prepare a “free process” application to ask that the court filing fee be waived in any type of case.

“We are excited about being able to use technology to give citizens easier access to the courts,” said Nan Nash, Chief Judge of the Second Judicial District Court in Bernalillo County. “Being able to fill out the forms at home should alleviate some of the stress that an extra trip to the courthouse adds to situations that are inherently emotional, such as filing for divorce.”

In the 2018 fiscal year, at least 90% of the domestic violence cases for orders of protection involved self-represented litigants.

Roughly four-fifths of the new divorce cases filed

in district courts that year had at least one self-represented litigant.

The time to complete a self-guided interview for preparing a court document varies from about 45 minutes to more than an hour. Users must have an email account to register for a Guide & File account.

Individuals can access the Guide & File application on the Judiciary’s website: <https://www.nmcourts.gov/guide-file.aspx>. The website also contains a self-help guide for understanding the divorce process as well as lists of information and paperwork that individuals will need to prepare court documents.

Using a home computer to prepare the court forms will best allow individuals to keep their information private and it permits users to take their time in completing a court document.



The Bernalillo County Metro and the Second Judicial District Courts engaged in a friendly pumpkin-carving competition. The Second District Court won bragging rights thanks to the White Carousel pumpkin (number 3) carved by Judicial Specialist 2 Elizabeth Garcia. Metro Court vowed to have the winning entry next year.

Court Employees Recognized for Outstanding Performance

Laura Beth Harmon named Metropolitan Court's Employee of the Year



Laura Beth Harmon, center, with judges and administrators from Bernalillo County Metropolitan Court.

Surrounded by co-workers, Laura Beth Harmon was named Bernalillo County Metropolitan Court's 2018 Employee of the Year at the court's annual Employee Conference in August.

Laura Beth was honored for her more than 20 years as a pillar in the Metro Court's Background Investigations Division.

As a lead worker in the division, Laura Beth was praised by her staff for being supportive, knowledgeable and not afraid to get in the trenches to get the job done. Management also recognized Laura Beth for her dedication, hard work and uncompromised integrity.

Laura Beth oversees Background staff who work at the Metropolitan Detention Center processing bonds and initiating court cases.

The Employee of the Year is nominated by fellow co-workers and selected by the Bernalillo County

Metropolitan Court Employee of the Year Selection Committee.

Michael Tafoya Earns the Eighth Judicial District Court's Outstanding Performance Award

Michael Tafoya, a Court Service Specialist - Bailiff in the Taos Courthouse, received the Outstanding Performance Award.

Mr. Tafoya was recognized for his quick response in observing an in-custody defendant escape from his handcuffs.

He escorted the defendant out of the courtroom, maintaining order and preserving the safety of everyone in the courtroom.



Michael Tafoya , center, with Laurie Duran-Robles, Court Services Manager, and Elizardo Gurule, Court Services Specialist.

Metro Courts' Dog Show Highlights Specialty Courts, Promotes Rehabilitation

It was not your everyday sight as dozens of pooches gathered in Metropolitan Court's outdoor courtyard on September 20th for the court's 1st Annual Fun Dog Show and Resource Day.

The event, meant to promote experiential therapy and bring awareness to the court's 11 Specialty Courts, was a success with 37 dogs entering the competition, 16 resource providers coming out and dozens of Specialty Court participants serving as judges for the show. The event was open to the public, specialty court participants, court staff, and justice partners.



Competitors strut their stuff in the Large Dog Competition at the Bernalillo County Metropolitan Court's 1st Annual Fun Dog Show and Resource Day.

The idea of hosting a Dog Show was inspired by a current DWI Recovery Court participant who credits much of his sobriety to caring for, training, and professionally showing dogs across the country—a hobby he says he likely would not have embraced had he still been drinking.

"Showing dogs has been a positive outlet for me," said Terrence Thrasher, who is scheduled to graduate from the DWI Recovery Court in February. "Caring for other living beings has taught me how to take better care of myself. It keeps me on the right track."

Many specialty court participants have found similar benefits through experiential therapy promoted by the specialty courts such as equine therapy, service dogs, and meditation.

Specialty Court participants were tasked with judging the Dog Show, which featured 10 categories from Best Trick to Best in Breed. The winners went home with ribbons and dog treats, and Specialty Court participants were able to earn community service hours. Between contests, those in attendance heard from former specialty court graduates, who talked about their recovery and where they are now.

"We hope the event brought awareness to the many great things that are happening in our Specialty Courts," said Chief Judge Edward L. Benavidez, who also presides over the DWI Recovery Court. "We also wanted to acknowledge those who have worked so hard to live clean, productive lives and provide additional resources to those still on their journey."

In addition to judging and participating in the show, the public and Specialty Court participants were able to connect with service providers in the community who offer assistance with housing, employment, schooling, veteran services, etc. There were also information tables for the court's 11 Specialty Court programs.

SHARE YOUR NEWS WITH COURT CONNECTIONS

This newsletter was created to share the news and accomplishments of the entire New Mexico Judiciary. We need your help to make that vision a reality. You know all the great things happening in your courts. Send those stories and photos to Sidney Hill at albdshx@nmcourts.gov. The deadline for the next issue is December 15.

Halloween in the Courthouse



Judicial Specialist 2 Noemi Ramirez, above, was the 1st Place winner in the Third Judicial District's Halloween Costume Contest. Second and third place winners were Paralegal Melody Longwill, below left, and Lisa Betancourt, Mediation Program Manager.



Halloween in the Courthouse



The Second Judicial District Court had a contest to see which division could be most creative in developing a theme and decorating for Halloween. The winner was the Zombie Café in the Domestic Relations Division. The Human Resources staff took second with the Flintstones theme. Honorable mentions went to the Court Clinic's Coco theme, and the Pirates of the Caribbean who took over the Pre-Trial Services Division.